THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16485 OF 2005.

DATED 27-07-2005.

Between

Thota Srinivasa Babu

... Petitioner

And

1.The District Collector, Machilipatnam

Krishna District and 2 others

...Respondents

ORDER

In this writ petition, the petitioner by way of Writ of Mandamus seeks to declare the action of the respondent authorities in trying to dispossess the petitioner from her land to an extent of Ac.2.00 in S.No.316/3 situated at Kona village, Machilipatnam Mandal, Krishna District, is arbitrary, illegal, without jurisdiction and violative of Principles of natural justice and contrary to the provisions of Act 9 of 1977 and consequently direct the respondents not to evict the petitioner from the above land.

It is seen from the record, the petitioner came up with this petition apprehending her dispossession by the respondents from the land to an extent of Ac.2.00 inS.No.316/3 situated at Kona village, Machilipatnam mandal, Krishna District which was purchased by her under a registered sale deed, dated 12-04-1994, on the pretext that the same is assigned land and 3rd respondent issued a show cause notice in this regard. Admittedly, the petitioner

has submitted her explanation to the 3rd respondent on 09-04-2005 and the same is pending consideration.

Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition at the stage of admission directing the respondents to consider the explanation submitted by the petitioner on 09-04-2005 in reply to the show cause notice and pass appropriate orders on merits in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the schedule land.

27-07-2005

Hsd